

APPEARANCES:

FOR THE PLAINTIFF:

ELAINE RODRIGUEZ FRANK

P.O. Box 194799

San Juan, Puerto Rico 00919

BY: ELAINE RODRIGUEZ FRANK, ESQ.

FOR THE DEFENDANTS:

U. S. ATTORNEY'S OFFICE

Torre De Chardon

12th Floor

San Juan, Puerto Rico 00919

BY: KATHERINE GONZALEZ, AUSA

ALSO PRESENT:

PLAINTIFF:

MIKE FIGUEROA

1 MS. RODRIGUEZ FRANK: I am going to take
2 your oath and that doesn't mean that I am not going
3 to continue acting as Mr. Figueroa's representative.

4 (Whereupon the deponent is duly sworn.)

5 MS. RODRIGUEZ FRANK: One of the things is
6 you need to answer in a high tone so that it gets
7 recorded and please don't assent with your head
8 because she is writing here and she won't get it. The
9 same thing with the aha, or the uhu, I see those
10 depositions with a lot of uhu's, and I say what in
11 the heck are they saying.

12 MS. GONZALEZ: And you forget, when you
13 are asking the questions, you forget to remind
14 yourself.

15 MS. RODRIGUEZ FRANK: Because you are
16 seeing the person, aha, and you know the person is
17 assenting, but you are reading that maybe 15 or 20
18 days after and you say was he assenting in fair or
19 aha because I am just going -- because people say uhu
20 because they are hearing you and it is because they
21 are finally, because they are understanding you, but
22 not because they are assenting to what you are
23 saying.

24 Okay, I understand that you have a

1 relationship in the sense that, a personal
2 relationship because you are the godmother of one of
3 his sons?

4 THE DEPONENT: Yes.

5 MS. RODRIGUEZ FRANK: The son or the
6 daughter?

7 MR. FIGUEROA: The daughter.

8 MS. RODRIGUEZ FRANK: The daughter, Miss
9 Universo, I call her Miss Universo.

10 MS. GONZALEZ: No, Elaine let me clarify,
11 your maiden name is Lucy? I am sorry, Febus?

12 THE DEPONENT: No, my maiden name?

13 MS. GONZALEZ: Yes?

14 THE DEPONENT: Velardo.

15 MS. GONZALEZ: And where did we get Lucy
16 Febus?

17 THE DEPONENT: That's my fathers name.

18 MS. GONZALEZ: Oh, okay, because you
19 introduced yourself as Luz Vives and I just wanted to
20 make sure that we are talking about the same person.

21 THE DEPONENT: Yes, it's the same person,
22 Lucy because of Luz.

23 MS. GONZALEZ: Okay.

24 DIRECT EXAMINATION

1 BY MS. RODRIGUEZ FRANK:

2 Q How long have you worked with the
3 agency?

4 A With the VA?

5 Q Yes.

6 Q Sixteen years.

7 Q So you worked for the Federal
8 Government before?

9 A Yes.

10 Q With what agency?

11 A I worked in the Office of Personnel
12 Management.

13 Q In Puerto Rico?

14 A Yes, in the federal building.

15 Q Okay, so you moved from OPM to the
16 Department of Veteran's Affairs?

17 A Yes.

18 Q And you have been working there for 16
19 years?

20 A In the Department of Veterans Affairs.

21 Q And how long for OPM?

22 A For OPM I worked a year and a half.

23 Q So you have 17 and a half years with
24 the Federal Government?

1 A That is correct.

2 Q And you have worked for VA, what
3 positions have you held with the VA?

4 A I worked as program Clerk, I worked as
5 Secretary, I worked as Administrative Assistant,
6 Program Specialist.

7 Q So you were going up?

8 A Yes, yes.

9 Q And what is your educational
10 background?

11 A I have a Bachelor's Degree in
12 Secretarial Science and a Master's Degree in
13 Education.

14 MS. RODRIGUEZ FRANK: Off the record a
15 moment.

16 (Whereupon there is a brief recess held)

17 EXAMINATION CONTINUED

18 BY MS. RODRIGUEZ FRANK:

19 Q I understand that there was a recent
20 change and you have a higher grade now, and a higher
21 position?

22 A There was a reorganization.

23 Q Okay, someone told me, I think it was
24 Helen Nunci, that there was a reorganization, and you

1 have a higher grade and additional duties?

2 A Yes.

3 Q And your grade right now is what?

4 A GS 13.

5 Q And the duties?

6 A I am a Program Management Officer.

7 Q I think it was Janette Diaz -- and I
8 assume that for a GS-13 you supervise employees?

9 A Oh, yes. I have been supervising
10 employees prior to the GS-13. I actually supervise at
11 this time right now the Administration section of the
12 Service, the Budget section of the Service, the
13 Laundry section of the Service, and Transportation
14 section, four sections.

15 Q And to whom did the Transportation
16 Service and the Laundry Service belong before they
17 became under your supervision?

18 A Transportation Section was aligned,
19 realigned under Facility Management, they weren't
20 under our Service, and they were under the Police
21 Service and the Laundry Section was under the
22 Maintenance and Repair Section of the Service.

23 Q That was Mr. Bou's?

24 A Yes.

1 Q The Tra
2 difficult Service?

3 A It's a smal.

4 Q I remember tha
5 with two employees once?

6 MS. GONZALEZ: Which c
7 Application?

8 MS. RODRIGUEZ FRANK: The . cation
9 Service. THE DEPONENT: Transportation.

10 EXAMINATION CONTINUED

11 BY MS. RODRIGUEZ FRANK:

12 Q And you had budgetary duties assigned
13 to you since when?

14 A The budget section has been assigned to
15 me since I have been in Facility Management Service,
16 that has been--

17 Q And when did you commence to work for
18 FMS?

19 A I started working in FMS -- I used to
20 work in Environmental Management Services.

21 Q That is under Mrs. Silva?

22 A No, I wasn't under Ms. Silva, I was
23 under Dean Stiles. And they did a reorganization
24 between both Services, environmental and engineering-

1

-

2

Q See, that is the one that I had heard
from the beginning, they mixed, they merged them?

3
4

A They merged the services.

5

6

7

8

Q So you were working under Mr. Morley,
then, when you were working in Environmental, you
were working under Mr. Morley, not on the
Engineering--

9

A Dean Stiles and then Mr. Morley.

10

Q Okay.

11

12

13

A And then when they did the merge, I
still worked under Morley. He was the Chief at that
time, at the Service.

14

15

Q Before working at FMS, you were working
at VA, so you came from the OPM directly to the---

16

A To the VA.

17

Q Environmental Service?

18

19

20

A No, I worked in the Computer Center. At
that time it was Information Resource Management. I
was there, and from there--

21

Q With Mark Ficek and?

22

A With Mark Ficek.

23

Q And Gonzalez, Federico Gonzalez?

24

A At that time, Federico wasn't there but

1 I was under Mark Ficek.

2 Q And under Mr. Morley, then Mr. Morley
3 became the head and you were what, Program Specialist
4 or Administrative Assistant?

5 A I was Administrative Assistant.

6 Q Of Mr. Morley directly?

7 A Yes.

8 Q And who was the Engineer in Service,
9 prior to the merger, did they have a different Budget
10 Section and Transportation Section?

11 A They had a Budget Section, yes, they
12 had to administer the budget. And at that time
13 transportation was under, I believe it was Engineer
14 Bou.

15 Q Engineer Bou?

16 A In Engineer Service, at that time.

17 Q And upon the merger, I imagined that
18 everybody had to work together and Mr. Bou became the
19 Assistant Chief?

A That is correct.

20 Q And Mr. Figueroa was working there as
21 one of the Engineers?

22 A That is correct.

23 Q And Mr. Figueroa, in terms of, there
24 was also Mr. Diaz, who was working there, who we took

1 his deposition too, the other Engineer?

2 A Engineer Diaz.

3 Q Engineer Diaz, okay. And Mr. Mike
4 Figueroa, he was working under Mr. Morley in what
5 section?

6 A He was Industrial Engineer.

7 Q As an Industrial Engineer?

8 A Yes.

9 Q Assigned to Mr. Morley, just to the FMS
10 Service or working for something in specific?

11 A No, he was working for the Service, he
12 had the Work Order Section assigned. He used to work
13 with the work orders.

14 Q Work order are the ones that people
15 prepare in order for services to be rendered?

16 A Yes.

17 Q And you have to go there and check that
18 my water is coming down or the--

19 A Yes, yes.

20 Q Please specify to us, because---

21 A Yes.

22 Q She and I do not work there.

23 MS. GONZALEZ: You are the expert.

24 THE DEPONENT: But you know, you are giving

1 me the information.

2 MS. RODRIGUEZ FRANK: Yeah, but Mr. Diaz
3 was the one who explained to us everything.

4 THE DEPONENT: Okay, the work order
5 section, yes. EXAMINATION CONTINUED

6 BY MS. RODRIGUEZ FRANK:

7 Q Do you remember how many engineers were
8 working under Mr. Morley?

9 A We had, let me see, I have to make --
10 we had Engineer Diaz, we had Engineer Bou, we had
11 Engineer Pablo Rios Vega, I am trying, as much as I
12 can remember. We had Engineer Alacan, we had
13 Engineer Iris Rosario, we had Engineer Mike Figueroa,
14 we had Engineer Carlos Tirado, we had -- who else. I
15 think that's about it.

16 Q Okay, and have you seen that after Mr.
17 Marrero came there are more Engineers?

18 A Well, definitely, yes.

19 Q How many more?

20 A Since Marrero came, we have--

21 Q Because you more less counted about
22 seven persons?

23 A Yeah, more less. We have Engineer -- I
24 can say the names as I recall. We had--

1 Q None of those, the seven guys are still
2 working there?

3 A No, these are the ones that came
4 afterwards.

5 Q Okay.

6 A We have Miguel Cordero, we have
7 Calderin, we have Quiñonez, and we have two
8 temporary, Castillas and Rosado, Engineer Rosado.

9 Q There is a lady there named Gilda, too?

10 A Gilda Rivera, yes.

11 Q And there is a guy named Miguel Cruz
12 that is also an Engineer?

13 A Yes, but he was prior to Marrero, and
14 he is a temporary.

15 Q He is a temporary?

16 A Yeah, and he was hired 'till that time.

17

18 Q And he is the only person that worked
19 there as a temporary during the--

20 A Yes, he was a temporary hire for
21 Engineer Rios Vega, which retired.

22 Q Okay, so Rios Vega retired and Miguel
23 Cruz came in to substitute him?

24 A Yes.

1 Q Can you remember where Rios Vega was
2 working, in what section they were working?

3 A Planning.

4 Q And Mr. Alacan?

5 A In Planning.

6 Q And Iris also?

7 A Yes.

8 Q And Carlos Tirado?

9 A Carlos Tirado used to work with
10 Engineer Figueroa in the Work Order Department. He is
11 also an Industrial Engineer.

12 Q And Work Order, do they have also the
13 P&H Shops and the Shop in order to--

14 A They don't have it now, they had it
15 before.

16 Q I am talking about before. I am talking
17 about Mr. Morley, prior to Mr. Morley--

18 A Yes, the Purchase and Hire Section was
19 aligned on the Work Order. This is history.

20 Q Were you also involved in the personnel
21 hiring under Mr. Morley?

22 A Yes, I don't hire, okay. Let me clarify
23 what you define as personnel hiring. My work involves
24 assuring the announcements gets posted through Human

1 Resource Specialist, which is assigned to the
2 Service, assuring that we establish the time frames
3 that we require to have the positions filled,
4 assuring once we get the candidates, that the
5 interview process is prepared on time, that we get
6 the persons to the interviews and schedule the rooms
7 for the interviews, and schedule the documentation
8 ready for the interview, and when the final selection
9 is done, assuring to get the documents to Human
10 Resources and assure we have the candidate in the
11 service. That is the process when you say hiring,
12 that is how it is defined.

13 Q So when Mr. Bou and Mr. Figueroa apply
14 for the position of Chief, you were the one who
15 assisted them in the preparation of their
16 application?

17 A No. When Mr. Bou and Mr. Figueroa
18 decide to apply for the position of Service Chief, I
19 in a personal manner assisted them filling out the
20 knowledge skills and abilities, which is the case
21 of -- they have some questions to be filled, which
22 are in English, and they have to fill out all these
23 questions, and I personally assisted them with the
24 questions.

1 Q And you helped them, and who sent them
2 to the, they went through you, the applications?

3 A No, the person who applies for a
4 position is solely responsible to submit the package,
5 and the package is not just one part, it involves
6 various documents and the person has to do that.

7 Q Do you remember whether or not Mr. Bou
8 and Figueroa had problems with Iris Aleman, that she
9 had misplaced them and they even had to prepare a
10 second package in order to send them?

11 A I heard that.

12 Q You heard that?

13 A Yes.

14 Q From whom?

15 A From Engineer Bou and from Engineer
16 Figueroa.

17 Q That she had misplaced them?

18 A That they were misplaced.

19 Q And did you assist them in making
20 copies in order to send them again, or--

21 A No, they worked that, they did the
22 copies themselves.

23 Q That is in the initial stage, when they
24 were selecting the Chief, and you were working there